

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Dallas Division**

INMAR RX SOLUTIONS, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	No. 3:23-cv-2883-E
)	
PAMELA J. BONDI ¹ <i>et al.,</i>)	
)	
<i>Defendants.</i>)	
)	

DEFENDANTS’ NOTICE OF CHANGE IN POSITION

Defendants respectfully submit this Notice to inform the Court that the Acting Solicitor General has decided that the multiple layers of removal restrictions for administrative law judges in 5 U.S.C. § 7521 do not comport with the separation of powers and Article II of the U.S. Constitution, and that the Department of Justice will no longer defend those restrictions in litigation. Accordingly, the Department of Justice will not continue to defend Section 7521 in this action. *See* Defs.’ Tendered Mot. to Dismiss at 9-18, ECF No. 20-3 (“Defs.’ Br.”).

Defendants nonetheless maintain that the Court should deny Plaintiff’s cross-motion for summary judgment and grant Defendants’ motion to dismiss. Defendants continue to argue that Plaintiff’s removal claims fail at the threshold because Plaintiff must show that even an allegedly unconstitutional removal provision “inflict[ed]

¹ Pamela J. Bondi is substituted for Merrick B. Garland as Attorney General of the United States pursuant to Fed. R. Civ. P. 25(d).

compensable harm” on the plaintiff. *Id.* at 19 (quoting *Collins v. Yellen*, 594 U.S. 220, 259 (2021)). Plaintiff has not done so here. *Id.* at 19-20. Defendants also continue to argue that, even if Plaintiff were to prevail on its removal claim, the proper remedy would be for the Court to sever the offending removal provisions through a declaratory judgment, not to enjoin an ongoing administrative proceeding. *See* Defs.’ Tendered Combined Mem. in Opp’n to Pl.’s Mot. for Summ. J. and Reply Mem. in Supp. of Their Mot. to Dismiss at 18-21, ECF No. 22-1.

Dated: February 24, 2025

Respectfully submitted,

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/s/ Simon Gregory Jerome
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Counsel for Defendants

CERTIFICATE OF WORD COUNT

I hereby certify that this notice contains 256 words, excluding the case caption, signature block, and this certificate, but including the footnote.

/s/ Simon Gregory Jerome